



## Contract By Authorized Board

**Commodity or Service:** Third-Party Administration of Employee Reimbursement Accounts and Commuter Benefits Programs  
**Request for Bid/Proposal No:** ETI0022  
**Authorized Board:** Employee Trust Funds Board

**Contract Period:** 01/01/2012 thru 12/31/2013 with option for one (1) additional one-year periods

1. This contract is entered into by and between the State of Wisconsin, Department of Employee Trust Funds (Department), the State of Wisconsin Employee Trust Funds Board (Board), and the contractor whose name, address, and principal officer appears on page 2. The Department is the sole point of contract for Board contracting;
2. Whereby the Department of Employee Trust Funds agrees to direct the purchase and the contractor agrees to supply the contract requirements cited above in accordance with the terms and conditions of the request for bid cited above, and in accordance with the contractor's bid submitted on this request for bid which request for bid is hereby made a part of this contract;
3. In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employees or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5), Wis. Stats., sexual orientation as defined in s.111.32(13m), Wis. Stats., or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
4. Contracts estimated to be over twenty-five thousand dollars (\$25,000) require the submission of a written affirmative action plan. Contractors with an annual work force of less than twenty-five (25) employees are exempted from this requirement.

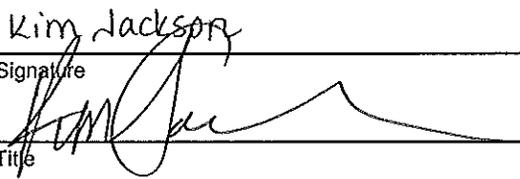
Within fifteen (15) working days after the award of the contract, the plan shall be submitted for approval to the Department. Technical assistance regarding this clause is provided by the Purchasing Agent, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931, (608) 266-8989, mark.blank@etf.state.wi.us.

5. For purposes of administering the contract, the Order of Precedence is: this contract; the Business Associate Agreement; the technical and cost proposals for the RFP ETI0022 submitted by Fringe Benefits Management Company dated April 28, 2009; RFP ETI0022 dated March 23, 2009, including all appendices, attachments and amendments; Amendment 1 dated December 17, 2009.
6. Assignment of contract to WageWorks, Inc; per Standard Terms and Conditions (Request for Bids & Proposals) Section 17.0 of RFP ETI0022 & FBMC letter of November 18, 2010. Payments for all administrative fee invoices (ERA and Commuter Benefits) will be made to Fringe Benefits Management Company, a Division of Wagemworks. FEIN 94-3351864. Until further notice, continue to use FEIN 59-1657263 "WISMART payment address A" when paying the invoices for claims reimbursement.
7. For purposes of administering the contract, the following document is added: Plan Document for the State of Wisconsin Section 125 Cafeteria Plan including Appendix A, Amended and Restated Health Flexible Spending Account Plan; Appendix B, Amended and Restated Dependent Care Flexible Spending Account Plan; and Plan Document Amendment #1, effective January 1, 2011, and all attachments. For purposes of administering this contract the Restated Order of Precedence is:
  - 1) this Contract;
  - 2) Contract Amendment #1 dated December 17, 2009;
  - 3) the Business Associate Agreement;
  - 4) the Plan Document for the State of Wisconsin Section 125 Cafeteria Plan as described above including all appendices, attachments and amendments;
  - 5) the technical and cost proposals for the RFP ETI0022 submitted by Fringe Benefits Management Company dated April 28, 2009;
  - 6) RFP ETI0022 dated March 23, 2009, including all appendices, attachments and amendments.
8. In accordance with RFP ETI0022, Section 1.9 Contract Term and Funding, and Fringe Benefits Management Company, a Division of Wagemworks letter dated January 24, 2012, effective January 1, 2013, the Employee Reimbursement Accounts Program participant fee will be \$4.85 per participant per month and the Commuter Benefits Participant fee will be \$5.18 per participant per month.

*This document can be made available in accessible formats to qualified individuals with disabilities.*

**Contract Number & Service:** Third-Party Administration of Employee Reimbursement Accounts and Commuter Benefits Programs

State of Wisconsin Department of Employee Trust Funds	
By Authorized Board (Name)	Employee Trust Funds Board
By (Name)	Wayne Koessl
Signature	
Title	Vice Chair, Employee Trust Funds Board
Phone	608-266-9854 (Robert J. Marchant, Deputy Secretary)
Date (MM/DD/CCYY)	06/05/2012

To be Completed by Contractor	
Legal Company Name	WageWorks, Inc
Trade Name	FRINGE BENEFITS MANAGEMENT CO, A DIV OF WAGEWORKS
Taxpayer Identification Number	94-3351864
Company Address (City, State, Zip)	1100 Park Place, 4th Floor, San Mateo, CA 94403
By (Name)	Kim Jacksory
Signature	
Title	SVP, General Counsel
Phone	650.577.5209
Date (MM/DD/CCYY)	04/04/12